

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Virginia M. Kendall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	9 C 2347	DATE	10/19/2010
CASE TITLE	Henry Barrow vs. Rafael Herniaz et al		

DOCKET ENTRY TEXT

Procedures for restraints while plaintiff Henry Barrow is on trial.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The Court next reviewed the criminal history and prison history of the defendant that was presented by the Illinois Department of Corrections and was provided to the Plaintiff and Defense. The record reveals an aggravated battery conviction from 2008, three armed robbery convictions and an attempted armed robbery conviction from 2000, another aggravated battery conviction from 2005, a possession of contraband within a penal institution conviction (Plaintiff informed the court that it was a key) from 2010, and a conviction for threatening a public official (plaintiff can not recall who the official was). Within prison, Plaintiff has assaulted and/or battered other inmates on six occasions and has assaulted and/or battered correctional officers on ten separate occasions including throwing urine on them and spitting at them. He was further found to have a home-made weapon in his cell and currently has 25 or more pending citations for sexual misconduct within the institution. Plaintiff is classified as a Class E inmate within IDOC and as such is one of approximately 200 inmates out of 44,000 inmates in Illinois who are classified as the highest risk of escape. As such, the Court orders that Plaintiff remain shackled at the ankles and must conduct all of his direct and cross examination of the witnesses from the counsel table. His oral arguments will also be made from the table. A black bunting will be placed around both tables to avoid undue prejudice to the Plaintiff. The Court notes, however, that little prejudice will result from Plaintiff's restraints because the testimony that has been presented to the Court to date is that Plaintiff was fleeing from Defendant when he was restrained. Testimony will include that while incarcerated, Plaintiff wears a special green jumpsuit with a yellow stripe identifying him as a significant flight risk and those facts will be provided to the jury in order for the jury to determine the reasonableness of the officer's actions based on all of the circumstances. These measures appropriately balance the potential risk of flight and of harm with Plaintiff's right to bring this civil action for damages. *See Woods v. Thieret*, 5 F.3d 244 (7th Cir. 1993). Barrow's request to wear a black and white jumpsuit instead of his green one is granted provided that it is an approved jumpsuit given to him by IDOC. Defendant's request to wear a "thermal" due to the cold temperature in the courtroom is denied because thermal shirts are not approved IDOC attire. IDOC is directed to provide Plaintiff with a prison issued jacket

STATEMENT

for the purpose of trial only.
